

# Fair Use Checklist

Based on a checklist from the Copyright Advisory Office of Columbia University, Kenneth D. Crews, Director.  
<http://copyright.columbia.edu>

Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Project: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

## **Purpose**

### **Favoring Fair Use**

- ☐ Teaching (including multiple copies for classroom use)
- ☐ Research
- ☐ Scholarship
- ☐ Nonprofit educational institution
- ☐ Criticism
- ☐ Comment
- ☐ News reporting
- ☐ Transformative or productive use (changes to the work for new utility)
- ☐ Restricted access (to students or other appropriate group)
- ☐ Parody

### **Opposing Fair Use**

- ☐ Commercial activity
- ☐ Profiting from the use
- ☐ Entertainment
- ☐ Bad-faith behavior
- ☐ Denying credit to original author

## **Nature**

### **Favoring Fair Use**

- ☐ Published work
- ☐ Factual or nonfiction based
- ☐ Important to favored educational objectives

### **Opposing Fair Use**

- ☐ Unpublished work
- ☐ Highly creative work (art, poetry, music, novels, films, plays)
- ☐ Fiction

## **Amount**

### **Favoring Fair Use**

- ☐ Small quantity
- ☐ Portion used is not central or significant to entire work
- ☐ Amount is appropriate for favored educational purpose

### **Opposing Fair Use**

- ☐ Large portion or whole work used
- ☐ Portion used is central to or “heart of the work”

## **Effect**

### **Favoring Fair Use**

- ☐ User owns lawfully purchased or acquired copy of original work
- ☐ One or few copies made
- ☐ No significant effect on the market or potential market for the copyrighted work
- ☐ No similar product marketed by the copyright holder
- ☐ Lack of licensing mechanism

### **Opposing Fair Use**

- ☐ Could replace sale of copyrighted work
- ☐ Significantly impairs market or potential market for copyrighted work or derivative
- ☐ Reasonably available licensing mechanism for use of the copyrighted work
- ☐ Affordable permission available for using work
- ☐ Numerous copies made
- ☐ You made it accessible on the Web or in other public forum
- ☐ Repeated or long-term use